

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

STEVEN MAHER,

Plaintiff,

v.

GC SERVICES LIMITED PARTNERSHIP;

and

DOE 1-5

Defendants.

)
)
)
) Civil Action No. _____
)
)
)
)
)
)
)

COMPLAINT
(Jury Trial Demanded)

1. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. This Court exercises jurisdiction under 15 U.S.C. 1692k and 28 U.S.C. 1331. This District is of proper venue as Plaintiff is a resident within this District and Defendants engaged in the activities herein alleged against Plaintiff while Plaintiff so resided.

PARTIES

3. Plaintiff, Steven Maher (hereinafter “Plaintiff” or “Mr. Maher”), is a natural person residing in Cresthill, Illinois. Defendant, GC SERVICES LIMITED PARTNERSHIP is a limited partnership believed to maintain its principle place of business at 4777 Hilton Corporate Drive in Columbus, Ohio.

4. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as DOE 1-5, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities once ascertained. Plaintiff believes and thereon alleges that the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that such defendants are responsible to Plaintiff for damages and/or monies owed.

5. GC SERVICES LIMITED PARTNERSHIP and DOE 1-5 shall hereafter be jointly referred to as “Defendants.”

6. Defendants regularly operate as third-party debt collectors and are “debt collectors” as defined by 15 U.S.C. 1692a.

FACTUAL ALLEGATIONS

7. Defendants engaged in debt collection efforts in an attempt to collect a consumer debt allegedly owed by Mr. Maher.

8. Defendants began placing calls to Mr. Maher in May of 2012. Defendants would call several times a day, and placed at least 55 calls to Mr. Maher between May and July 2012.

9. On July 13, 2012, Defendants left a voice mail message for Mr. Maher, the content of which is as follows: “Hi! This message is for Steven Maher. This is Matthew, please return my call at 866-437-1963 ext . 6042. Thank you.”

10. On July 16, 2012, Defendants left a voice mail message for Mr. Maher, the content of which is as follows: “Hi! This message is for Steven Maher. This is Matthew, please return my call at 866-437-1963. Thank you.”

11. On July 23, 2012, Defendants left a voice mail message for Mr. Maher, the content of which is as follows: “Hi! This message is for Steven Maher. This is Matthew, please return my call at 866-437-1963 ext . 6042. Thank you.”

12. On the occasions that Mr. Maher returned Defendants’ calls, Defendants refused to identify the name of their company or inform Mr. Maher as to why they were calling him unless he would answer personal questions to “verify” his identity. For personal privacy and security reasons, Mr. Maher refused to do so. Defendants continued to call and leave messages requesting a return call.

13. Increasingly harassed by Defendants anonymous calling and refusal to identify themselves, Mr. Maher retained counsel with Centennial Law Offices.

14. As a direct result of the collection activity herein alleged, Mr. Maher has incurred legal fees of \$2,155.00.

CAUSES OF ACTION

COUNT I

15. Plaintiff re-alleges paragraphs 1 through 14, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and

herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692d(6) and 1692(e)11 with regards to Plaintiff as follows: In their messages to Plaintiff, Defendants failed to state that the communications were from a collection company being made in an attempt to collect a debt, and failed to identify the name of their company.

COUNT II

16. Plaintiff re-alleges paragraphs 1 through 14, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692d with regards to Plaintiff as follows: Defendants engaged in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, recovery for each cause of action in the alternative, as follows:

- 1.) For statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. 1692k(2);
- 2.) For \$2,155.00 in legal fees incurred in responding to unlawful collection activity;
- 3.) For prejudgment interest in an amount to be proved at time of trial;
- 4.) For attorney's fees pursuant to 15 U.S.C. 1692(k);
- 5.) For the costs of this lawsuit; and
- 6.) For any other and further relief that the court considers proper.

JURY DEMAND

Plaintiff demands a jury trial.

Date: July 12, 2013

s/Robert Amador

Robert Amador, Esq. (CA State Bar # 269168)

Attorney for Plaintiff PAULA MOYA

(Attorney-in-charge; Pro Hac Vice)

9452 Telephone Rd. 156

Ventura, CA. 93004

(888)308-1119 ext. 11

(888) 535-8267 fax

R.Amador@centenniallawoffices.com